

P.O. Box 942883  
Sacramento, CA 94283-0001



August 23, 2011

## NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

The full text of the amendments to the California Code of Regulations that concern medical parole is provided in its original single underline and strikethrough format. Changes to the original text are included and indicated with **double underline** for additional added text and **~~double strikethrough~~** for additional deleted text to the originally proposed text.

As determined by the California Department of Corrections and Rehabilitation, the attached text contains the following changes:

**Subsection 3359.1(b)(3)** is amended. The originally proposed language is deleted and replaced with, "An attorney or other individual appropriately authorized to initiate such actions on behalf of the inmate." This is necessary to be consistent with Penal Code (PC) Section 3550(d) which specifies in part that the prisoner's designee may initiate a request for an inmate to be reviewed for medical parole consideration.

**New subsection 3359.1(b)(4)** is adopted to specify that an inmate may independently initiate a request for consideration for medical parole. This is necessary to be consistent with PC Section 3550(d) which states that the prisoner or his or her family member or designee may independently request consideration for medical parole, and corrects the inadvertent omission of this language from the originally proposed text.

**Subsection 3359.1(c)** is amended to replace the reference (b)(2)-(3) with (b)(2)-(4) to accurately reflect the correct reference after the additional text was added as 3359.1(b)(4), (see above).

**New subsection 3359.3(e)** is adopted and reads: "Release allowances, as defined in subsection 3075.2(d), will not be issued to inmates on medical parole until the inmate transitions to parole pursuant to PC Section 3000." This subsection is necessary to eliminate confusion over release funds by providing clear direction to staff and medical parolees regarding when release allowances will be issued. Release allowances will not be issued until a medical parolee transitions to standard parole under PC Section 3000.

**Section 3359.7** is deleted. This section is removed from the regulations to ensure all inmates, regardless of their citizenship status, are treated consistently with respect to medical parole, and to remain consistent with the statute wherein there is no designation that undocumented inmates are excluded from medical parole consideration.

The 15-day comment period on these changes shall close on September 11, 2011. Submit any comments to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001;

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fax to (916) 324-6075; or by e-mail at [rpmb@cdcr.ca.gov](mailto:rpmb@cdcr.ca.gov) before the close of the public comment period. Comments must be received no later than 5:00 p.m. on September 11, 2011.

Only those comments relating directly to the enclosed post-hearing changes that are indicated by **double underline** and **~~double strikethrough~~** will be considered.

*Original Signed by:*

TIMOTHY M. LOCKWOOD, Chief  
Regulation and Policy Management Branch  
Division of Administrative Services  
Department of Corrections and Rehabilitation

Attachment